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This is the author's manuscript

Original Citation:

Availability:

This version is available <http://hdl.handle.net/2318/141110> since 2016-06-17T17:19:50Z

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Although traditionally confined to the domestic scene (being absent even in the broadly conceived Draft Common Frame of Reference), the law of succession is becoming an increasingly frequent topic of discussion, both in international academic circles and, *de iure condendo*, at the level of the European Union institutions – at least as far as private international law is concerned. Indeed, the International Society of Family Law devoted particular attention to *post mortem* transfers between generations at its recent World Conference on “generation solidarities” (Lyon, 19-23 July 2011). Over the past few years, an increasing number of books, articles and other sources have been applying comparative techniques to the law of succession: from 1963 onwards, the *Union du notariat latin* has been publishing a “blue book” on *Régimes matrimoniaux, successions et libéralités dans les relations internationales et internes* (its third edition, edited by Michel Verwilghen, was published by Bruylant in 2008); in 2007 K. Reid, M. J. De Waal and R. Zimmermann embarked on the systematic research and publication of the principles governing the law of succession from a comparative and historical perspective (“Exploring the Law of Succession: Studies National, Historical and Comparative”, Edinburgh University Press, 2007; “Comparative Succession Law: Volume I: Testamentary Formalities”, Oxford University Press, forthcoming); and the *Conseil des Notariats de l’Union Européenne* facilitates public access to information on the rights available under the laws of succession which apply in the Member States of the European Union through an *ad hoc* website jointly financed by the European Commission (<http://www.successions-europe.eu>). As is widely known, the EU is seeking to create uniform rules on jurisdiction, the applicable law, the mutual recognition and enforcement of decisions in matters of succession, as well as a European Certificate of Succession. An *ad hoc* proposal to this effect was published in 2009 (COM(2009)154 final) and is currently being negotiated within the European Parliament and the Council, which, on 9/6/2011, reached agreement on the political guidelines to be observed by those who will continue to work on the proposed Regulation.

The work entitled “The Law of Succession: Testamentary Freedom. European Perspectives”, edited by two Spanish lecturers in private law at the University of Barcelona, to wit M. Anderson and E. Arroyo i Amayuelas, and published as part of the “European Studies in Private Law” series by Europa Law Publishing (Groningen, The Netherlands, 2011, ISBN 978-90-8952-087-6, price 62 euros, pp. I-336), represents a first-class example of this growing interest in the comparative and international law of succession. The volume includes the proceedings of an international conference on the freedom of testation held in Barcelona in April 2010, as well as some additional contributions covering the English common law, Eastern European countries and Scandinavia.

M. Anderson and E. Arroyo i Amayuelas’s work is, by all appearances, of particular value for the growing number of scholars and practitioners who are concerning themselves with the issue of settling successions with a cross-border element. Indeed, according to an impact assessment of the proposed EU regulation (SEC(2009) 410), 10 per cent of successions opened in the European Union have an international dimension because of assets located in another Member State or the foreign nationality or residence of the deceased or of the potential heirs.

The most remarkable feature of the book under review is, in my opinion, the in-depth analysis of the Catalan Succession Law Reform which constitutes part II of the volume; to my knowledge, this is the only version available to an English speaking audience. The study specifically examines the 2008 reform of the Catalan law of succession (E. Arroyo i Amayuelas and M. Anderson at pp.41 et seq.), exploring the various shades and nuances of testamentary freedom (E. Bosch Capdevila at pp. 73 ff., A. Vaquer Aloy at pp. 89 ff., S. Navas Navarro at 105 ff.). In fact, the new legislation, which is already embedded in a legal framework where the compulsory share is traditionally very weak (it can be paid

in money and merely amounts to 25 per cent of the aggregate estate), reinforces the freedom of testation by introducing new grounds for disinheritance (“the lack of normal family interaction attributable to the compulsory heir”) and by reforming the grounds for unworthiness and the rules governing the prohibition on acquiring succession which seek to ensure that the testator has not been unduly influenced in the process of drafting his/her will. In addition, the reform in question, unlike the Spanish Civil Code, which forbids succession agreements on the grounds that their irrevocability is an obstacle to testamentary freedom, continues to favour such arrangements by allowing the appointment of heirs by contract.

Testamentary freedom, and more particularly its scope and the limitations imposed by human rights legislation, by domestic rules which provide for compulsory shares, and by other rights awarded to the next of kin and provisions governing inheritance agreements, constitute the thread which runs through the analysis of the law of succession in all the interesting national reports published in Part Three of the book, i.e. England and Wales, by R. Kerridge (pp. 129 et seq.); Germany by A. Röthel (pp. 155 et seq.); Hungary, by Z. Csehi (pp. 167 ff.); Italy, by A. Fusaro (pp. 191 et seq.); The Netherlands, by J. M. Milo (pp. 203 et seq.); Norway, by P. Hambro (pp. 229 et seq.); Scotland, by E. Clive (pp. 241 et seq.); Slovenia, by S. Kraljić (pp. 257 et seq.); and Spain, by S. Cámara Lapuente (pp. 269 et seq.). In order to facilitate a comparison between the various countries, the relevant authors tend to follow a similar pattern in their reports, i.e. a general introduction on the principles of the law of succession, recent developments in the relevant sources of law, freedom of testation versus *ordre public*, the beneficiaries and scope of compulsory share legislation, and inheritance agreements. Generally speaking, it would appear that the freedom of testation has gradually been reinforced by the process of relaxing its restrictions, although varied in form and extent. There is, however, a notable exception to this trend – the protection of the nuclear family, which remains the major restriction on testamentary freedom, has been improved and expanded. Biological children who are born inside or outside marriage and adopted children currently have the same succession rights; the position of the surviving spouse has been strengthened abandoning gradually the life interest model in favour of full property recognition; many legal systems award rights of succession of some kind to the unmarried surviving cohabitant.

Yet, the large amount of information accessible to an English speaking audience is not the only remarkable feature of the book under review. Indeed, highly stimulating are the chapters on the prospects of European harmonization of the substantive law of succession and of unifying conflict of law rules written by two eminent scholars, respectively W. Pintens (pp. 5 et seq.) and A. Bonomi (pp. 25 et seq.). These contributions, although included in the first part of the volume, seem to bring together the threads of the discussion, since they consider the implications of the diversity of the substantive national laws on succession which emerge from the domestic reports in parts II and III of the book, as well as focusing on the need and timely nature of such convergence. As Prof. Pintens points out, the unification of private international law is not a panacea: only if the unification of conflict of law rules is accompanied by some harmonisation of the substantive law of succession, mainly through a “spontaneous” process (see the aforementioned examples of the equality of all children and the general tendency towards strengthening the position of the surviving spouse), but also, at times, through the case law of the European Court of Human Rights and international conventions (Basle Convention of 1972 on the establishment of a scheme of registration of wills; Washington Convention of 1973 providing a uniform law on the form of an international will), it will be possible to ensure a minimum of legal certainty, predictability and legitimate expectations. The existence of a far-reaching connection between the substantive law of succession and the private international law is also highlighted by Prof. Bonomi, who demonstrates how the European Union proposal for a Regulation dealing with various aspects of the law of succession, albeit focused on international private law, enters the area of the substantive law: indeed, the analysis of the proposed Regulation clearly shows that its “liberal” approach to the problem of international succession promotes testamentary freedom

(see, for example, the wide possibility for the testator to select the applicable law or the regulation of agreements as to succession), and weakens forced heirship rights, considerably reducing their effects – at least in a transnational context.

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